

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boursnell et al.

Art Unit: Not yet assigned

Application No. Not yet assigned

Filed: Herewith

For: HERPESVIRUS VECTORS AND THEIR USES

Examiner: Not yet assigned

Date: January 9, 2002

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as Express Mail, Label No. EV053213400US, on January 9, 2002: BOX PCT, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.



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WASHINGTON, D.C. 20231

**PRELIMINARY AMENDMENT**

Prior to examination of the above-referenced application, please amend the application as follows:

**In the specification:**

On page 1, after the title, please insert the following new paragraph:

**--Priority Claim**

This is a divisional of U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims the benefit of U.S. Provisional Application No. 60/005,649 filed October 19, 1995.--

**In the claims:**

Please amend claim 19 as follows:

19. A process for treating a subject which is a human subject or a non-human animal subject in order to achieve expression of a foreign gene in vivo, comprising administering to said subject a pharmaceutical composition according to claim 17.

**REMARKS**

This Preliminary Amendment is submitted to enter Applicants' claims of priority from corresponding U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims priority from U.S. Provisional Application No. 60/005,649 filed October 19, 1995. No new matter is added. Entry of this amendment is respectfully requested.

Claim 19 is amended herein to reduce filing fees.

**CONCLUSION**

If any minor matters remain to be discussed prior to examination, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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**Marked-up Version of Amended Specification and Claims  
Pursuant to 37 C.F.R. §§ 1.121(b)-(c)**

**In the specification:**

On page 1, after the title, please insert the following new paragraph:

**Priority Claim**

This is a divisional of U.S. Patent Application No. 09/734,054 filed October 18, 1996, which in turn claims the benefit of U.S. Provisional Application No. 60/005,649 filed October 19, 1995.

**In the claims:**

Please amend claim 19 as follows:

19. A process for treating a subject which is a human subject or a non-human animal subject in order to achieve expression of a foreign gene in vivo, comprising administering to said subject a pharmaceutical composition according to claim 17 [or to claim 18].